Judge:	Marc L. Barreca
Chapter:	Chapter 7
Hearing Date:	November 4 , 2011
Hearing Time:	9:30 a.m.
Hearing Site:	700 Stewart St., #7106 Seattle, WA 98101
Reply Date:	October 28, 2011

UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In re: ADAM GROSSMAN, Debtors.	Case No. 10-19817 NOTICE OF HEARING ON AND TRUSTEE'S MOTION FOR ORDER COMPELLING MATTHEW O'CONNER TO TURNOVER OF PROPERTY OF THE ESTATE

TO: Creditors and other parties in interest.

PLEASE TAKE NOTICE that a hearing on the Trustee's Motion for Order Compelling Matthew O'Conner to Turnover of Property of the Estate will be heard on the 4th day of November, 2011 before Judge Marc L. Barreca of U.S. Bankruptcy Court, 700 Stewart Street, Courtroom 7106, Seattle, Washington 98101 at 9:30 a.m. and the Clerk is requested to note the same for the motion docket on that date.

TRUSTEE'S MOTION TO COMPEL TURNOVER OF PROPERTY OF THE ESTATE

COMES NOW Ronald G. Brown, the Chapter 7 Trustee in the above-captioned case by and through counsel, Wood & Jones, P.S. and Denice Moewes and moves this Court for an order compelling turnover of property of the estate ("Trustee's Motion") for the reasons set forth below.

STATEMENT OF FACTS

4.1 The debtor filed this current bankruptcy proceeding as a voluntary chapter 11 bankruptcy petition on August 19, 2010 ("Current Bankruptcy"). Ronald Brown was appointed

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as the Chapter 11 Trustee on December 22, 2010. The case was converted to a Chapter 7 on March 11, 2011.

4.2 The debtor was represented by Matthew O'Conner in this Current Bankruptcy.

4.3 Mr. O'Conner never sought approval of his employment as required by Bankruptcy Code section 327.

4.4 Mr. O'Conner did not comply with the compensation disclosure provisions of Bankruptcy Rule 2016 which requires him to disclose funds that were paid to him by or on behalf of the debtor until May 27, 2011 when he disclosed that he had received $12,500.00 from the debtor.

4.5 The debtor has not sought nunc pro tunc approval of his employment.

4.6 Mr. O'Conner is holding $12,500.00 of funds that constitute property of the estate.

4.7 Mr. O'Conner previously claimed that $11,500.00 of the funds might not have come from the debtor.

4.8 Exhibit "1" to the declaration of Denice Moewes, filed simultaneously herewith, is a true and correct copy of a $6,000.00 cashier's check which states right on its face that the remitter is Adam Grossman. Thus there is no question as to purchaser of that cashier's check.

4.9 Attached to the Moewes Declaration as Exhibit "2" is a copy of a $5,500.00 cashier's check made payable to Mr. O'Conner. This check does not indicate who purchased the check.

4.10 Attached as Exhibit "3" is the internal copy of the cashier's check from Wells Fargo Bank indicating the purchaser was Adam Grossman and the funds came out of account number ending 5044. That account is an account in the name of Adam Grossman. Moewes Declaration, Exhibit "4".

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4.11 Thus there is no question that the funds in Mr. O'Conner's trust account came from the debtor and constitute property of the estate.

II. Motion to Compel Turnover

Section 542 of the Bankruptcy Code requires any entity, other than a custodian, in possession, custody or control of property of the estate, to turnover property of the estate, except property of an inconsequential value. Mr. O'Conner is not a custodian as defined under section 101(11) of the Bankruptcy Code

The $12,500.00 clearly is not of inconsequential value.

WHEREFORE, the Trustee requests that the Court enter and order compelling Matthew O'Conner to turnover $12,500.00 to the trustee within 10 days of the entry of the order.

OBJECTIONS

YOU ARE FURTHER NOTIFIED that responsive pleadings or objections to the Trustee's Motion, if any, must be filed with the Bankruptcy Court, two copies served on Judge Marc L. Barreca, 700 Stewart Street, #7106, Seattle, WA 98101 and a copy served upon the undersigned by close of business on Friday, October 28, 2011.

Failure to comply with local rule may be deemed by the Court as a waiver of all objections.

Further information regarding the Trustee's proposal may be obtained by telephoning Denice Moewes at Wood & Jones, P.S., (206) 623-4382.

DATED this 11th day of October, 2011.

WOOD & JONES, P.S.

/s/ Denice E. Moewes
Denice E. Moewes, WSB#19464
Attorney for Chapter 7 Trustee
Ronald G. Brown

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Judge:	Marc L. Barreca
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UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In re: ADAM GROSSMAN, Debtor.	Case No. 10-19817 ORDER COMPELLING MATTHEW O'CONNER TO TURNOVER PROPERTY OF THE ESTATE TO THE TRUSTEE

THIS MATTER having come before Judge Marc L. Barreca on the Trustee's Motion for Order Compelling Matthew O'Conner to Turnover Property of the Estate ("Trustee's Motion"); the Court finding that notice of the Trustee's Motion was timely given to all creditors listed on the mailing matrix and hence was in compliance with the Bankruptcy Code and Rules; the Court having reviewed the Trustee's Motion, and having reviewed any Objection filed thereto, and having reviewed the files and deeming itself fully informed in this matter, now, therefore, it hereby is

ORDERED ADJUDGED AND DECREED that Matthew O'Conner shall turnover to the Trustee the $12,500.00 he is holding within ten days of the entry of this order.

Dated this ______ day of November, 2011

____
JUDGE MARC L. BARRECA
U.S. Bankruptcy Judge

Presented by:

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/s/ Denice E. Moewes
Denice E. Moewes, WSB#19464
Attorney for Trustee
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